

CHIEF JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) No. CR20-124-RSM
Plaintiff,)
v.) ORDER GRANTING THIRD
JOHN WESLEY STEWART,) UNOPPOSED MOTION TO
Defendant.) CONTINUE TRIAL AND PRETRIAL
) MOTIONS DATES

THE COURT has considered Mr. Stewart's third unopposed motion to continue the trial date and pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for Mr. Stewart the time necessary for effective preparation due to counsel's need for more time for his expert to review records and to meet with Mr. Stewart who is presently incapacitated by COVID-19. In addition, counsel needs more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C.

§ 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as counsel for Mr. Stewart has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

1 (d) the ends of justice will best be served by a continuance, and the ends of
2 justice outweigh the best interests of the public and the defendant in any speedier trial,
3 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

4 (e) the additional time requested between the current trial date of November 8,
5 2021, and the new trial date is necessary to provide counsel for the defendant the
6 reasonable time necessary to prepare for trial, considering counsel's schedule and all of
7 the facts set forth above; and

8 (f) the period of delay from the date of this order to the new trial date is
9 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

10 IT IS THEREFORE ORDERED that the trial date in this matter shall be
11 continued to January 31, 2022, and that pretrial motions shall be filed no later than
12 December 2, 2021.

13 DONE this 8th day of September 2021.

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15 
16 RICARDO S. MARTINEZ
17 CHIEF UNITED STATES DISTRICT
18 JUDGE

19 Presented by:
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21 s/ *Michael Filipovic*
22 Federal Public Defender
23 Attorney for John Stewart